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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,147	02/13/2001	Rodger D. Erickson	05313.00002	1518

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EXAMINER

LIM, KRISNA

ART UNIT PAPER NUMBER

2153

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/783,147	Applicant(s) ERICKSON, RODGER D.	
	Examiner Krisna Lim	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-87 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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1. Per a telephone conversation between Examiner and Mr. Thomas L. Evan, Mr. Evan argued and persuaded Examiner that the restriction should not be given at this stage; thus, the restriction and the election requirement are withdrawn. And, claims 1-87 are still pending for examination.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-87 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Devarakonda et al. [U.S. Patent No. 5,566,297] in view of Elnozahy [U.S. Patent No. 6,178,441].

Devarakonda et al. disclosed (e.g., see Figs. 1-5) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference disclosed a server system (e.g., see Fig. 1) for communicating with a client, comprising:

- a) first server (e.g., a primary file server, col. 1, lines 36-47, col. 2, lines 11-20) for communicating with one or more clients, the first server having a state information for session between the first server and the one or more clients; and
- b) a second server (e.g., a back-up server) containing a copy of the state information received from the first server (e.g., see col. 1, lines 36-47, col. 2, lines 11-20).

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While Devarakonda disclosed the use of a file system and a volatile storage for storing the state information (e.g., see col. 2, lines 11-34) and the use of cache for storing tokens of state information (e.g., see col. 5, lines 7-15), Devarakonda did not explicitly mention the use of cache memory for storing the entire state information. Cache is a well known special memory and using it for storing contents for a quick access is also well known in the art at the time the invention was made. Thus, it would have been obvious to one of ordinary skill in the art to recognize that replacing Devarakonda's cheaper and slower volatile storage with a more expensive and faster access cache would have been a matter choice and user preference between a cost and a speed.

3. As to claims 2-6, while Devarakonda disclosed that his state information having a subset that needed to be transferred among a primary server and a back-up server, and the use of it to recover the state information of the primary server from a failure, etc., Devarakonda did not explicitly mention or detail that his state information are some types of credential information that include: Secure Socket Layer Session Identifier, Secure Socket Layer Session Information and Authentication Information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that such detail of information having such and such data or information would have been obvious in order to recover state information of the server from a failure because those information are needed in the communication network (e.g., see Fig. 1).

4. As to claim 7, Devarakonda further disclosed the state information is data segment information for controlling the transmission of a data segment information for controlling the transmission of a data segment between the first server device and the one or more client devices (e.g., see col. 1, lines 36-47, col. 2, lines 11-19).

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5. As to claim 8, Devarakonda further disclosed the use of TCP/IP as a communication protocol (e.g., see col. 2, line 8).
6. As to claims 9-12, Devarakonda did not explicitly mention that his state information was a purchase information such as financial transaction information, a billing address, etc. It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that such specific types of information would have been a matter of the intended use of the claimed invention and this information was not patentably distinguished from the prior art.
7. As to claim 13, Devarakonda disclosed the second server (the back-up server) can communicate with the one or more clients using the state information (e.g., see col. 1, lines 36-47, col. 2, lines 11-20).
8. As to claims 14-15, it is a matter of additional items of claim 1.
9. As to claims 16-17, while Devarakonda disclosed the types of lock state table and a file system table and the cache token management system, Devarakonda did not explicitly mention that his table is a hash table and the use of BUZhash algorithm. However, such hashing technique including the BUZhash algorithm and the hashing table are well known features in the art (e.g., see any computer dictionary) and it would have been obvious to one of ordinary skill in the art to recognize that using those well known features would not patentably distinguished from the prior art.

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10. As to claims 18-19, while Devarakonda disclosed a communication system and network for communicate among devices (e.g., see Fig. 1), Devarakonda did not explicitly mention the use of multicast communication and a negative acknowledgement multicast communication. It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that that such multicast communication and a negative acknowledgement multicast communication are well known features and the use of these well known features are not patentably distinguished from the prior art.

11. Claims 20-87 are rejected for the same rationale as claims 1-19, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited references.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956 The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

October 23, 2006



KRISNA LIM
PRIMARY EXAMINER